

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1704**

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**Introduced by Assembly Member Jeffries**

February 1, 2010

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An act to amend Section 21080.21 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1704, as amended, Jeffries. Environment: CEQA: exemption.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts specified pipeline projects from the above requirements.

This bill ~~additionally~~ *additionally* exempt a project *of less than 8 miles in length* for the installation of a new pipeline for the distribution of recycled water within ~~an improved~~ *a paved* public street, highway, or right-of-way. ~~This bill would exempt a project for the replacement of an existing pipeline for the distribution of water within an improved public street, highway, or right-of-way.~~ Because a lead agency, which may include a local agency, is required to determine whether a project

qualifies for ~~those exemptions~~ *that exemption*, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.21 of the Public Resources Code  
2 is amended to read:

3 21080.21. (a) This division does not apply to a project of less  
4 than one mile in length within a public street, highway, or  
5 right-of-way for the installation of a new pipeline or the  
6 maintenance, repair, restoration, reconditioning, relocation,  
7 replacement, removal, or demolition of an existing pipeline.

8 (b) This division does not apply to a project *of less than eight*  
9 *miles in length* for the installation of a new pipeline for the  
10 distribution of recycled water, as defined in Section 13050 of the  
11 Water Code, ~~within an improved~~ *a paved* public street, highway,  
12 or right-of-way.

13 ~~(c) This division does not apply to a project for the replacement~~  
14 ~~of an existing pipeline for the distribution of water within an~~  
15 ~~improved public street, highway, or right-of-way.~~

16 ~~(d)~~

17 (c) For purposes of this section, “pipeline” includes subsurface  
18 facilities but does not include any surface facility related to the  
19 operation of the underground facility.

20 ~~(e)~~

21 (d) This section does not limit an obligation to conduct a study  
22 for a pipeline project, including a traffic study, required pursuant  
23 to other law.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 a local agency or school district has the authority to levy service  
27 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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